

REMARKS

Favorable reconsideration and withdrawal of the objection and rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims Status

Claims 1 through 19 are now pending in the application. Claims 1, 3, 5, 10, and 12 have been amended to even more succinctly define the invention and/or to improve their form. Claims 15 through 19 have been added to accord Applicant an additional scope of protection commensurate with the disclosure. It is respectfully submitted that no new matter has been added. Claims 1, 8, and 15 are the only independent claims pending in the application.

Claim Objection

Claim 1 is objected to because of a minor informality kindly noted by the Examiner. In response, Claim 1 has been amended to overcome the grounds of the objection.

Allowable Subject Matter

Also, it is acknowledged with appreciation that Claims 5, 6, 12, and 13 are merely objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. These claims remain in their dependent form, inasmuch as it is believed that the independent claims from which they depend will be found to be allowable.

Art Rejections

Claims 1, 2, 4, 7 through 9, 11, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Oka, et al. '254.

Claims 3 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oka, et al. '254 in view of Miller, et al. '604.

The rationale underlying each of the foregoing art rejections is succinctly set forth in the Official Action.

Response to Art Rejections

The rejections are respectfully traversed.

Amended Claim 1 calls for a developer supply container detachably mountable to an image forming apparatus that includes a container body that contains a developer; a discharge opening that permits discharge of the developer from the container body; and shutter means that unseals and seals the discharge opening. The shutter means includes a first shutter member and a second shutter member, which are engageable with each other to form a resealable shutting portion at a position facing the discharge opening.

Oka, et al. '254 discloses a developer cartridge side shutter 5 for opening and closing openings 18 and 19 of a developer cartridge 6. Oka, et al. '254 also discloses a developing device side shutter 4 for opening and closing an upper opening 2A₁ and a lower opening 2A₂, wherein a developing device 1 receives the developer from the developer cartridge 6. Accordingly, Oka, et al. '254 discloses only one shutter for the developer cartridge 6 and only one shutter for the developing device 1. Applicant respectfully submits that Oka, et al. '254 does not disclose or suggest the claimed shutter means

including two shutter members which engage each other to reseal a shutting portion of a discharge opening of a developer supply container.

Miller, et al. '604 is cited against certain dependent claims for disclosing sealing members 20, 22 to prevent accidental spillage. It is respectfully submitted that Miller, et al. '604 does not disclose or suggest the feature of the provisions of the claimed first and second shutter members.

It is also respectfully submitted that the combination rejection is not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so. A combination rejection is proper only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine the teachings of the cited art. There is nothing in the cited art which supports the position that it can be combined in the manner suggested. Even if the art could be so combined, the mere fact that the art can be combined is not sufficient if there is no suggestions in the art that such a combination is desirable. For example, see ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

Claim 8 is directed to a developer supply container detachably mountable to an image forming apparatus similar to amended Claim 1. Claim 8 calls for a developer discharge opening provided in a peripheral surface of the container body for permitting discharge of the developer in the container body toward a developer receiving opening of the image forming apparatus. Claim 8 also calls for a shutter means for unsealing and sealing the developer discharging opening. The shutter means includes a first shutter member and a second shutter member, which are engageable with each other to form a resealable shutting portion at a position facing the discharge opening.

In view of the foregoing, it is respectfully submitted that independent Claims 1 and 8 are allowable over Oka, et al. '254 and Miller, et al. '604 whether taken individually or in combination.

New Independent Claim 15

Claim 15 calls for a developer supply container detachably mountable to an image forming apparatus that includes a container body for containing a developer, the container body is provided with a developer discharging opening for permitting discharge of the developer downwardly toward a developer receiving opening of the image forming apparatus; and a first shutter and a second shutter cooperative with each other to seal and unseal the developer discharge opening.

It is respectfully submitted that Claim 15 also is allowable for at least reciting a first and second shutter which is distinguishable over the teachings of Oka, et al. '254 and Miller, et al. '604 for the above-noted reasons.

Dependent Claims

Claims 2 through 7, 9 through 14, and 16 through 19 depend either directly or indirectly from Claims 1, 8, and 15 and are allowable by virtue of their dependency and in their own right for further defining Applicant's invention. Individual consideration of the dependent claims is respectfully requested.

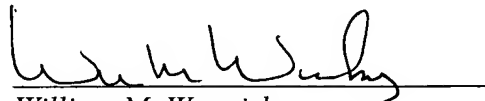
Closing Comments

It is respectfully submitted that the concurrently filed RCE and the Preliminary Amendment fully meets the requirements of the Rules. See Manual of Patent Examining Procedure § 706.07(n). See especially Part V at page 700-90 (Rev. 2, May 2004).

It is respectfully submitted that the pending claims are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'William M. Wannisky', is written over a horizontal line.

William M. Wannisky
Attorney for Applicant
Registration No. 28,373

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

WMW\tas

DC_MAIN 206488v1